

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-003800

08/15/2013

HONORABLE KATHERINE COOPER

CLERK OF THE COURT

L. Gilbert

Deputy

CHARLES RODRICK, et al.

DANIEL R WARNER

v.

DAVID MICHAEL ELLIS, et al.

RICK POSTER

LEANNE GRAINGER
GORDON EDWARD GRAINGER JR
1302 17TH ST S
GREAT FALLS MT 59405
RANDAL HUTSON
JOE M ROMLEY
RYAN P SANDSTROM
ALTERNATIVE DISPUTE RESOLUTION -
CCC

MINUTE ENTRY

East Court Building – Courtroom 514

9:03 a.m. This is the time set for Telephonic Status/Scheduling Conference. All parties appear telephonically. Plaintiffs are represented by counsel, Daniel R. Warner. Defendant David Ellis is represented by counsel, Rick Poster. Defendant Margaret Ellis is represented by counsel, Janet Spears. Defendant Lois Flynn is represented by counsel, Joe M. Romley. Defendants Adam and Susan Galvez are represented by counsel, Randall Hutson. Defendant Gordon Grainger appears on his own behalf.

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A record of the proceedings is made by audio/videotape in lieu of a court reporter.

Discussion is held regarding the status of the case and several pending motions.

IT IS ORDERED taking under advisement, Defendants Grainger's June 12, 2013 Motion to Vacate Order for Counterclaimants Gordon Edward Grainger, Jr. and Leanne Grainger to Post Security for Court Costs.

Defendant Grainger advises the Court that the Graingers' July 31, 2013 Motion for Sanctions Against Plaintiff Charles Rodrick and Counsel Daniel Warner is withdrawn. Accordingly, Defendants' Motion is considered withdrawn and no further action will be taken.

Pursuant to Plaintiffs' June 13, 2013 Notice of Withdrawal of Plaintiffs' Motion to Compel Lois Flynn to Post Security, Plaintiffs' May 29, 2013 Motion to Compel Defendant/Counterclaimant Lois Flynn to Post Security for Payment of Court Costs is considered withdrawn and no further action will be taken.

Discussion is held regarding the presence of unauthorized persons and/or pets during depositions.

IT IS ORDERED that any persons present at depositions, other than those authorized to be present under A.R.Cv.P., shall only be by agreement of all parties. Any licensed therapy dog may be present at the deposition without the presence of any trainer associated with the therapy dog. If the dog is not a licensed therapy dog, the dog is not permitted to be present within the room/area where the deposition is being conducted. If the parties have any concerns over the behavior of the therapy dog, the parties may videotape the behavior so that it may be addressed by the Court along with the filing of an appropriate motion.

Discussion is held regarding what is believed to be unauthorized recording by Mr. Poster during a scheduled deposition.

IT IS ORDERED there will be no informal/unauthorized recording at any deposition without the filing of a motion for leave to do so and a ruling by the Court.

Counsel for Defendants Galvez makes an oral motion to have the deposition of Susan Galvez conducted telephonically for the reasons stated on the record.

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Discussion is held and argument is presented.

IT IS ORDERED that counsel for Plaintiffs may either travel to Washington to depose Ms. Galvez or make all necessary arrangements to conduct the deposition via video-conference. If counsel chooses to conduct the deposition via video-conference, he shall further insure that all exhibits are delivered to Mr. Hutson far enough in advance for Mr. Hutson to make arrangements to provide to and review with Ms. Galvez all exhibits to be used during the deposition.

IT IS FURTHER ORDERED setting a telephonic status conference to set a trial date on **November 19, 2013 at 8:45 a.m. (time allotted: 15 minutes).**

IT IS FURTHER ORDERED that Counsel for the Plaintiffs is to initiate the telephonic conference by first arranging the presence of all other counsel or self-represented parties on the conference call and by calling this division (602-506-8311) promptly at the scheduled time. All parties appearing telephonically must be joined in a single conference call and be prepared to hold until called to testify.

The call should be placed from a telephone in an area with no background noise as this will prevent the parties from hearing the proceedings in the courtroom. The call may not be placed from a vehicle. Also, the use of cellular telephones to call into the hearing is strongly discouraged.

IT IS FURTHER ORDERED the parties shall participate in a mandatory settlement conference. This case is referred to the court's Alternative Dispute Resolution ("ADR") for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and/or the parties will receive a minute entry from the ADR office appointing the judge *pro tempore*. Counsel and any "pro per" parties will contact the appointed judge *pro tempore* to arrange the date, time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference not later than November 15, 2013. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

9:30 a.m. Matter concludes.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an

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exception defined in the Administrative Order applies.